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UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES ATTORNEY
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

VS.

JOHN DOE.

Case No.

Federal Grand Jury
U.S. Courthouse
1 Courthouse Way
Boston, Massachusetts

Wednesday
March 27, 2019

APPEARANCE: PHILIP MALLARD and JOHN A. WORTMANN, JR.
Assistant U.S. Attorneys

WITNESS: CW-1 ██████████

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1 judge?

2 A Correct.

3 Q All right. Lastly, sir, you understand that if
4 you don't give complete and truthful testimony, in
5 accordance with the agreement that we just discussion, that
6 you'd be in breach of the agreement, and that you wouldn't
7 get any benefits?

8 A Yeah. Correct.

9 Q Now, sir, you have a criminal history.
10 Is that fair to say?

11 A Yeah.

12 Q You've been convicted of robbery before?

13 A Yes.

14 Q Have you been convicted of at least one drug
15 offense before?

16 A Yes.

17 MR. MALLARD: Sir, I want to draw your attention
18 to a particular day in January, January 26th, 2019.

19 BY MR. MALLARD:

20 Q Do you remember that day?

21 A Yeah.

22 Q What was going on that day, around noon to the
23 early afternoon?

24 (Pause.)

25 A I was, um, hanging with a friend.

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1 Q Okay. Male or female?

2 A Female.

3 Q Where were you hanging with the friend?

4 A I was in Dorchester.

5 Q And did you have a car?

6 A Yes.

7 Q Where were you physically located in Dorchester?

8 (Pause.)

9 A I was at East Street.

10 Q So, you were somewhere in Dorchester.

11 Were you in a home, a residence?

12 A You could say that. Yeah.

13 Q Was it yours or someone else's?

14 A My cousins.

15 Q You were at your cousin's residence with a female,
16 and, at some point, something happened, and you made some
17 plans to leave.

18 Is that fair to say?

19 A Yeah.

20 Q What happened?

21 A Um, a friend of mine called me, asked me "What's
22 up?"

23 Q Who's the friend?

24 A Stephan.

25 Q Do you know his last name?

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1 A Stewart.

2 Q So, Stephan Stewart called you, and asked you,
3 "What's up?"

4 A Yeah. More precisely, he said, "What am I trying
5 to get into?"

6 Q What are you trying to get into?

7 A Yeah.

8 Q What did you respond?

9 A "You tell me."

10 Q Okay. How did you know Stephan?

11 A Come from the same neighborhood.

12 Q You knew him growing up?

13 A Well he knew my family growing up. Yeah. I
14 didn't grow up in America.

15 Q Okay. At some point, you got to know him when you
16 came back to America?

17 A Yeah.

18 Q And he had your phone number, and you guys would
19 talk frequently on the phone?

20 A Right.

21 Q What did he say in response to what you said to
22 him?

23 (Pause.)

24 A He asked me where I was at, and I said, "The
25 spot."

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1 Q He knew where that was?

2 A Yeah. Yeah. He said, "All right." He's about to
3 pull up.

4 Q He told you he was about to pull up?

5 A Yeah.

6 Q Did he tell you who he was with?

7 (Pause.)

8 A I knew who he was with. I knew one person he was
9 always with because he was always with the person.

10 Q So, there was somebody he's always with?

11 A Yeah.

12 Q And who is that?

13 A Diovanni.

14 Q Do you know his last name?

15 A Carter.

16 Q So, Stephan is always with Diovanni Carter, and
17 you assumed that Stephan was with Diovanni Carter on this
18 particular day, January 26th?

19 A Right.

20 Q And he told you that he was about to roll up?

21 A Yeah. Cuz, Stephan don't know how to drive. So,
22 if he's gonna pull up on me, I know who, I know who he's
23 gonna be with automatically.

24 Q So, Stephan doesn't drive?

25 A Nah.

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1 Q And by him, merely, telling you he was about to
2 drive up where you were, he had to be with somebody else?

3 A Correct.

4 Q So, what happened after that?

5 A They came to the spot?

6 Q What were they driving?

7 (Pause.)

8 BY MR. MALLARD:

9 Q Do you remember the color?

10 A It was a white Chevy --

11 Q Okay.

12 A -- if I'm not mistaken.

13 Q So, the white Chevy comes to the spot that you
14 were at, and, then, what happened?

15 A Talking, talking.

16 Q Who was there?

17 THE WITNESS: Who was present in the car?

18 MR. MALLARD: Yes.

19 A So, it's me, Diovanni, Stephan, and Darius.

20 Q Who's Darius?

21 A To my knowledge now, that's Diovanni's brother.

22 At the time, I didn't know who he was.

23 Q Okay. So, Diovan -- I'm sorry.

24 Darius, Diovanni, Stephan are in the car, and you
25 came out of the house, and got into the car?

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1 A I came from one car to another car.

2 Q You were in another car?

3 A Yes.

4 Q Got out of the car you were in?

5 A Yeah.

6 Q And, then, went into their car?

7 A Yeah.

8 Q So, that white Chevy that you mentioned -- you got

9 into the white Chevy?

10 A Yeah.

11 Q Where did -- where, in the white Chevy, did you

12 get into it?

13 A I got -- um, --.

14 (Pause.)

15 A Behind the driver's side.

16 Q So, the rear seat behind the driver's seat?

17 A Correct.

18 Q Who was driving?

19 A Diovanni.

20 Q Diovanni Carter was driving the car?

21 A Yes.

22 Q When you got into the car, what happened?

23 (Pause.)

24 A We talking about committing a robbery.

25 Q Who said let's do something?

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1 A Well, Diovanni was doing the most talking. Um,

2 -- Q How well do you know Diovanni?

3 A I know him pretty well.

4 Q And you said that he was doing the most talking?

5 A Yeah.

6 Q The most talking in terms of -- was he asking the
7 most questions, or, sort of, saying the most about what the
8 plan would be?

9 A What the plan would be.

10 Q In terms of roles -- what was Dioavnni's role in
11 the robbery according to his plan?

12 A He was the leader like. What he say goes like.

13 Q Is that, is that sort of a role that you knew
14 about from before that day?

15 A Basically.

16 Q Okay. You talked about the plan for the robbery.
17 What was specifically said?

18 A All right. So, they get there now.

19 (Pause.)

20 A Diovanni mentioned -- well, there was all type of
21 stuff mentioned. I can't, I can't really recall that. I
22 know one thing stook (sic) out, the T-Mobile. He be, he be
23 in Brockton a lot.

24 Q So, Diovanni is in Brockton a lot?

25 A Yeah.

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1 Q He mentioned the T-Mobile?

2 A Yeah.

3 Q What did he say about it?

4 A It's an easy lick.

5 Q What does "easy lick" mean?

6 A Easy, easy robbery.

7 Q He knew about the store?

8 A Yeah.

9 Q All right. What else did he say?

10 (Pause.)

11 BY MR. MALLARD:

12 Q Well, let me ask you this, did, did he give you
13 information as to why he considered it to be easy?

14 A I guess he always go by there. He, he knows that
15 store, basically, inside out.

16 Q Okay, and did he say anything specific about why
17 it's going to be easy?

18 A Yeah. Cuz there is only one, one to two people
19 that know the time.

20 Q So, low foot traffic?

21 A Yeah. Basically, yeah.

22 Q He knew where it was?

23 A Yea.

24 Q Okay, and what was everyone saying in response to
25 him mentioning the T-Mobile Store?

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1 A Nobody really go against him in that car. Like,
2 nobody really go against him, and his words, and what he's
3 saying.

4 Q All right.

5 A Basically, meaning, like, whatever he say, they're
6 gonna go with it. Like, people go with it, whatever he
7 says. He's of a higher rank in the streets. So, his word,
8 his word is pretty good out there.

9 Q So, he mentioned this T-Mobile job was an easy
10 lick?

11 A Yeah.

12 Q What did you, Stephan, and Darius -- what were
13 people saying in response to that?

14 (Pause.)

15 A Basically, agreed.

16 Q You all agreed to it?

17 A Yeah.

18 Q What time was this roughly?

19 (Pause.)

20 A Around like six.

21 Q Okay. What happened next?

22 A So, I get a call --

23 Q Well, you're still in the car.

24 Did you get out of the car?

25 A Yeah.

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1 Q What were you doing?

2 A No, no, no, I got a call while I'm still in the
3 car. While I'm still in the car with them, I get a call.
4 Somebody wanted something.

5 Q Okay.

6 A So, I didn't know if they were truly serious about
7 it or not.

8 Q The robbery?

9 A Yeah. I wasn't --

10 Q So, you weren't sure that Diovanni, Darius, and
11 Stephan were serious about the robbery, and you got a phone
12 call about somebody wanting something?

13 A Yeah.

14 Q What did they want?

15 A Some marijuana.

16 Q Okay. Someone wanted some marijuana?

17 A Right.

18 Q You weren't sure they were serious?

19 A So, I said, "Yo, I'm about to go bust this trap.
20 I'll be right back."

21 Q What does "Bust that trap" mean?

22 A You know, gonna sell some, sell some drugs.

23 Q Okay.

24 A "I'll be right back."

25 So, I left. I get back in the car with the female

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1 I was with. I go do that.

2 Q You go sell the marijuana?

3 A Yeah.

4 Q Okay, and how long did that take?

5 A There and back, 25 minutes.

6 Q Okay.

7 A So, as I'm coming back --

8 Q Well, how much marijuana -- how much did you sell
9 just roughly speaking?

10 A I'm gonna say, "Seven grams." Forty dollars.

11 Q Okay.

12 A So, as I'm, as I'm coming back, Stephan had called
13 me. He was like, he was like, "We gotta go to my spot, and
14 get it right."

15 Q What did you mean by -- what did you understand
16 that to mean?

17 A Get the guns.

18 Q So, even at that point, you knew that firearms
19 would be involved in the robbery?

20 A Correct.

21 Q Did anyone say anything specific about firearms
22 when you were in the car the first time?

23 (Pause.)

24 A No.

25 Q You just assumed it?

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1 A Yeah.

2 Q So, when Stephan said that we gotta get right, you
3 understood him to mean, "We're gonna go get the guns for the
4 robbery"?

5 A Yeah. I knew what that mean. I been in the
6 streets a long time.

7 Q Okay. What did you do next?

8 A I'm like, "All right. I'll be back in like 15
9 minutes," to the spot where we met at. So, I get there
10 before him, and, um, me and the female, we smokin weed,
11 chillin.

12 Q In the car?

13 A Yeah. So, we, we parked in the parking lot across
14 from our cousin's -- my cousin, my cousin's house.

15 Q Lights off?

16 A Yeah, everything was off. The car, everything
17 off.

18 Stephan called me, like, "Yo, I'm on the way."

19 I know she was probably listening to my
20 conversation, and asked me what was going on.

21 I told her, "Don't worry about it."

22 I said, "We gotta go confrontation," or whatever.

23 She had a bad feeling about something.

24 (Pause.)

25 A By this time, Diovanni, Diovanni -- they pulled

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1 back up.

2 Q In the same car?

3 A The same car. They pulled back up. They pulled
4 back up. So, I told her to wait a minute. I'd be right
5 back.

6 I get back in the -- behind the, behind the
7 driver's seat.

8 Q The white Chevy?

9 A White Chevy. Yeah.

10 As soon as I get back in the car, Diovanni passed
11 me a handgun.

12 Q What kind of gun?

13 (Pause.)

14 A .380.

15 Q What color?

16 A All black.

17 Q Okay. So, he turns around, hands you the gun?

18 A Yeah. Yeah.

19 Q What happened after that?

20 A I, actually, admiring it, like, 'cuz it had a --
21 well, it stuck out because it had -- um, it had a long clip.

22 Q So, it had a long magazine?

23 A Correct.

24 Q What do you mean by "long"?

25 A I mean, it was pretty longer than usual.

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1 Q So, if the gun ends here, did the magazine extend
2 beyond that?

3 A Correct.

4 Q Okay. Did you see any other guns in the car?

5 A Yeah. Darius was next to me.

6 Q In the back seat?

7 A Yeah. Correct.

8 At the time, I didn't know what type of gun it
9 was. It was so big.

10 Q What color was it?

11 A Silver.

12 Q It was big?

13 A Yeah.

14 Q Do you know what caliber it was?

15 (Pause.)

16 A Shit, I thought it was a Desert Eagle.

17 Q You thought it was big?

18 A Yeah.

19 Q Okay. So, he had that in his hand?

20 A Yeah.

21 Q Okay.

22 A He was showing me it. Okay. Um, --

23 Q So, he was showing you it, and you sa -- and you
24 acknowledged that he had a nice, large --

25 A Yeah.

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1 Q -- gun?

2 A Right. Correct.

3 Q Okay. What else did you see in the car?

4 A So, now, we talkin again. So, now, we really
5 talkin about what's going on that we were gonna do 'cuz it
6 was getting, kinda, late. It was around, like, 6:30, 6:45.

7 So, Diovanni is like --.

8 (Pause.)

9 A Yeah, basically, we gonna do -- we doing the
10 T-Mobile. Like, that's what -- like, that's what it is.

11 Q That's the plan?

12 A Yeah. That's what it is.

13 Q Okay. You agreed to that?

14 (Pause.)

15 A I didn't get out of the car; so, that, that,
16 kinda, took my answer.

17 Q You didn't protest?

18 A Right.

19 Q And what about the other; Stephan and Darius?

20 Were they in agreement about the plan to rob the
21 T-Mobile?

22 A Yeah. They follow -- anything Diovanni said,
23 they're gonna follow that. So, whether they agreed to or
24 not it's going.

25 Q What was the plan going to be?

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1 A Right out to Brockton.

2 (Pause.)

3 A And rob it for the phones.

4 Q Okay. You had your gun. Darius had his gun.

5 What about Stephan?

6 (Pause.)

7 A At the time, I didn't see Stephan -- I knew he had
8 one, but I, actually, didn't know what ki -- I didn't know
9 what kind of gun he had.

10 Q Okay. Did Diovanni have a gun?

11 A separate one from the one he gave you?

12 A Not that I know of. No.

13 Q Okay. So, you're still in Boston near where you
14 parked your car?

15 A Yeah. We still on East Street. Yeah.

16 Q Where you agreed to the plan?

17 A Yeah. So, put the gun back down in the seat, and
18 went back to the car I was with.

19 Q With the female?

20 A Yeah. The female. I was "Yo, follow, follow,
21 follow me. Okay? I'm going down the street." I didn't
22 tell her where I was going. I said, "Follow me real quick."
23 I think I told her I was going to Brockton, but I didn't
24 tell her what, what I was doing. I said, "Follow me real
25 quick."

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1 Q So, you told the female, in her car, to follow you
2 in the white Chevy?

3 A Right.

4 Q Okay.

5 A I gave her my phone. I'm, "Take my phone." I got
6 two phones. "Take, take one of these phones, and I'll call
7 you. So, I can contact you like that."

8 Q Okay.

9 A So, we left. We left now.

10 I gets back in the car behind the driver's seat.

11 Q Of the white Chevy?

12 A Yeah.

13 Q Okay. What happened?

14 A So, we were driving heading towards Brockton now.
15 Listening to music. Chillin. Smoking weed.

16 Q Okay.

17 A So, we get there now. Well, we close, we close to
18 getting there now, and I call Shorty. I'm like, "Where you
19 at?"

20 Q You called the female?

21 A I called the female I was with. Yeah. She got
22 lost. She missed the exit.

23 Q So, you went down, essentially, 93 to Route 24?

24 A Yeah.

25 Q And she missed which exit?

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1 A 24.

2 Q Okay.

3 A So, all the way I'm on the phone with her talking,
4 but I'm still conscious of what's going on around me. Like,
5 we're still -- I know what -- so, as we get off, as we get
6 off the highway, T-Mobile is on your right.

7 Q And is it close to the highway, or how far from
8 the highway would you say it took you to get to T-Mobile?

9 A Not far.

10 Q It's close?

11 A Yeah.

12 Q It's close to the highway?

13 A Yeah.

14 Q And you knew the way that you were coming from the
15 highway to the T-Mobile?

16 A Exactly.

17 Q Okay. So, you get to the T-Mobile. You're in the
18 white Chevy?

19 A Yes. So, so, we look at it. Diovanni drove by
20 show so we could see -- like, see what's happening, all the
21 activities inside the store.

22 Q Are you able to see inside?

23 A Yeah. We see inside. Not at that angle, but we
24 could still see inside. There ain't too much activity. So,
25 he's like, "Yeah, that's it." Like, now's the chance. This

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1 is the best. Let's hit.

2 So, like I said, ain't nobody going to protest
3 against what he's saying. So, we spin around, we spin
4 around the block, and we take the first left.

5 Q So, you go around the block where T-Mobile is?

6 A Correct.

7 Q Go past the T-Mobile?

8 A Correct.

9 Q And take the first left?

10 A Correct.

11 Q And you go down that little street?

12 A Yes.

13 Q And what happened?

14 A We parked up on the right-hand side.

15 Q So, you're not on the main street where T-Mobile
16 is?

17 You're, kind of, down to a little side street?

18 A Right.

19 Q And what happens there?

20 (Pause.)

21 A Darius got out first.

22 Q Do you remember what Darius was wearing?

23 (Pause.)

24 A If I'm not mistaken, he's wearing --.

25 (Pause.)

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1 MR. MALLARD: If you don't recall, that's fine.

2 A Yeah, I can't recall.

3 Q Darius gets out first?

4 A Then Stephan.

5 Q Stephan gets out second?

6 A And I get out last. I'm still on the phone with
7 the girl I'm talking to.

8 Q The female that was going to be following you?

9 A Yeah. Correct. I'm still on the phone with her.
10 You know, we back and forth.

11 Q At this point, did you know what everyone had for
12 weapons?

13 (Pause.)

14 A I'm still, I'm still unsure what Stephan got is a
15 weapon.

16 Q Okay.

17 A I'm still unsure.

18 Q Did Darius have his gun when he left the car?

19 A Yeah.

20 Q Did you have your gun when you left the car?

21 A Yeah.

22 Q Did Stephan have anything else with him when he
23 left the car?

24 A Yeah. He took a, a black bag out of the, out the
25 trunk or the front. I'm not sure if he took out the trunk,

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1 or his passenger seat. I'm not too sure which one it was,
2 but he had a black bag with him. Yeah.

3 Q Okay. All three of you are out of the car.
4 Where do you go?

5 A Went to the T-Mobile.

6 Q Okay. You had to cross the street that you drove
7 down?

8 A Yeah.

9 Q Then, what happened?

10 A Well, when I get in, there is only one person in
11 there.

12 Q Okay. Who, who entered the T-Mobile store first?
13 Were you first?

14 A No, I was last.

15 Q So, you were third?

16 A Yeah. So, I can't --

17 Q So, what happened to Diovanni?

18 A He's still in the car.

19 Q He stayed in the car?

20 A Yeah.

21 Q Did he ever get out of the car?

22 A Nah.

23 Q Okay. Darius and Stephan are in front of you.
24 They go in before you do?

25 A Correct.

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1 Q What do you see when you get inside?

2 (Pause.)

3 A Darius and Stephan take the store clerk to the
4 back, to the back of the store. You know, force him to the
5 back, open everything up.

6 Q What did they have in their hands?

7 (Pause.)

8 A Guns.

9 Q They had the guns in their hands?

10 A Yeah.

11 Q And the store clerk takes them to the back?

12 A Yeah.

13 Q Do they open the back door?

14 A Store -- yeah, he opened the back door.

15 Q The store clerk opened the back door?

16 A Yeah.

17 Q What did you have in your hand?

18 A A gun.

19 Q Did you hear them say anything to the clerk when
20 they got in?

21 (Pause.)

22 THE WITNESS: To the back of the store, or to the,
23 to the front of the store?

24 BY MR. MALLARD:

25 Q What did you hear when -- anything that you heard

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1 when you got inside?

2 (Pause.)

3 BY MR. MALLARD:

4 Q Generally, if you don't remember the specific
5 words, do you recall what they were doing, what they were
6 saying generally?

7 A I'm trying to be specific. Like, I know -- yeah,
8 I'm trying. "Where's everything at?"

9 Q "Where's everything at?"

10 A Yeah.

11 Q That's what someone said to the store clerk?

12 A Correct.

13 Q Do you know who said it?

14 (Pause.)

15 A It could have been me. It could have been
16 Stephan.

17 Q All right. You were fully involved in this plan,
18 too?

19 A Correct.

20 Q And you had your gun out as well?

21 A Correct.

22 Q And they had their guns out?

23 A Right.

24 Q And they pointed them at the store clerk?

25 A At the time, yeah.

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1 Q From time to time, the guns were being pointed at

2 --

3 A Yeah.

4 Q -- store -- and you're telling here, "Where,"

5 "Where's it at?"

6 A Right.

7 Q And the store clerk let you into the back room?

8 A Yeah.

9 Q What happens in the back room?

10 A I told him, like, "Yo, let's keep it cool. Ain't

11 no one gonna hurt you."

12 Q All right. What did he do?

13 A He opened up the drawer, like a closet drawer.

14 Q In the back room?

15 A Yeah.

16 Q What was he like?

17 Was he scared?

18 Was he headstrong?

19 A Anybody -- anyone, in that predicament, I assume,

20 I assume is going to be scared for their life. Like, you

21 got --

22 Q Was he scared for his life?

23 A I'm assuming.

24 Q Okay. So, you open up the drawer, the cabinet

25 drawer that you talked about, and what was inside that

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1 cabinet drawer?

2 A A bunch of phones.

3 Q And that's what you were planning to get from the
4 beginning?

5 A Correct.

6 Q Okay. What happens once that opened?

7 A Stephan opened his duffle bag up, the white duffle
8 bag. He started putting the phones in there, started
9 putting the phones in there.

10 Q What did you do?

11 A I'm watching the store clerk.

12 Q Gun out?

13 A Yeah.

14 Q Pointed at the store clerk?

15 A Yeah.

16 Q What's Darius doing?

17 (Pause.)

18 A Darius le -- I believe, I believe he left. He
19 came back. He came back. Now, he's helping Stephan put the
20 phones in the, in the bag. He had ran out of space for the
21 bag. So, I, I grabbed a trash -- there was a trash bag. I
22 grabbed that, and gave it to him and have him put the phones
23 in there.

24 (Pause.)

25 A After that, me and Darius left first. We left

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1 first.

2 Q At some point, you, also, looked at the phones.

3 Did you find anything else in there that was
4 grabbed?

5 A Yeah. We found some, we found some currency.

6 Q Okay.

7 A Yeah, that was one of the first things we grabbed,
8 was the box of currency in, like, the bottom of the shelf.

9 Q At this point, you talked about Stephan having his
10 gun out.

11 Did you see his gun at that point?

12 Did he have it out pointed at the store clerk?

13 (Pause.)

14 BY MR. MALLARD:

15 Q At some point, you saw Stephan's gun?

16 A Yeah, I see it. I seen a stub. It looks like a
17 stub. I'm not --

18 Q Paying attention to his gun?

19 A Yeah. I'm not watching his gun. I'm worried
20 about the situation going on.

21 Q You talked about some currency you found on the
22 bottom shelf?

23 A Right.

24 Q Was that -- how -- was it in a box?

25 What was --

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1 A It was in a box. It was in -- like, a lock box.

2 Q All right, and you took that, too?

3 A Yeah. We took that, too.

4 Q So, you and Dar -- you said that you and Darius
5 left first?

6 A Yeah.

7 Q Stephan came after?

8 A Yeah. He came last.

9 Q And which way did you go?

10 A I mean, I left the store, and went back to the
11 car.

12 Q The same way you came?

13 A The same way I came.

14 Q Crossing the street, back to where the car was
15 parked?

16 A Yeah.

17 Q You knew where the highway was from there?

18 A Oh, yeah.

19 Q What was the plan in terms of where you were going
20 to go after the robbery?

21 A Well, I thought we was going back to the highway,
22 but --

23 Q You get back into the car at some point.

24 Right?

25 A Okay. So, now, we're all back in the car now.

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1 Q Where did you sit?

2 A Everybody back where they is.

3 Q The same spot?

4 A The same spot. I'm behind, I'm behind the
5 driver's seat. Darius is right next to me. Stephan is in
6 the passenger. Diovanni is still in the driver seat.

7 Q What happens next?

8 (Pause.)

9 A Diovanni make a call.

10 Q Is he driving, or is he stationary?

11 A He drives off now. He's still on the same street,
12 but he drives off.

13 Q He makes a call?

14 A Yeah.

15 Q Who does he call?

16 (Pause.)

17 A So, a friend of his.

18 Q Do you know the friend's name?

19 Street name?

20 (Pause.)

21 A Yeah. He go by the name Noons.

22 Q Okay. Can you spell that?

23 Do you know?

24 A I'm gonna say like the Moon, like a Noon, N-O-O-N.
25 Noon, noontime with an S.

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1 Q An S.

2 So, he calls this guy Noons.

3 Do you know who that is?

4 A Yeah. I know Noons.

5 Q What, what happened in the phone call?

6 A Diovanni told him, like, "Yo, call your peoples
7 up. I got some of them. I got, like, 50 or 60 of them."

8 Q And what's he referring to?

9 A Cell phones.

10 Q How did he know you got 50 to 60 of them?

11 A Well, by that -- he took a look in the -- well,
12 I'm guessing, I'm guessing now, but the whole bag was full,
13 and I had a trash bag full of phones, too. I'm going to say
14 an estimate probably 30.

15 Q Did Diovanni look in the trash bag?

16 A Yeah. He seen the trash bag --

17 Q And you --

18 A -- 'cuz it was a clear trash bag.

19 Q And he looked over at Stephan's bag?

20 (Pause.)

21 BY MR. MALLARD:

22 Q Is that a yes?

23 A Well, yeah, he seen Stephan bring it back. Yeah.

24 Q Okay.

25 A So, yeah.

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1 Q So, he was aware of what you had taken from the
2 store?

3 A Yeah. Correct. Yeah.

4 Q And he makes the call to Noons, and he says, "I
5 got 50 to 60 of them. Call your people."

6 What happens after that?

7 A So, like I say, I'm thinking we going to the
8 highway now. We suppose to take a left to the highway. I'm
9 not familiar with Brockton, but I know certain -- we took a
10 right. So, I didn't say nothing at first.

11 Q How were you driving in terms of speed?

12 Is it consistent with the traffic, or are you
13 going crazy?

14 Slow? Fast?

15 What, what's the general speed of the car?

16 A He driving fast.

17 Q Okay.

18 A So, I'm like, damn. I'm like, damn, holding -- we
19 still, we still, kind of, like, ain't nothing happening,
20 ain't nothing happening right now. So, I'm, like, all
21 right. Cool. Whatever.

22 So, we drive down -- we took a right, and, then,
23 we took a left, and, then, we drive down one long, one long
24 street. In the middle of that street is an island, and
25 there is a police cruiser, in the middle of the island,

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1 sitting there. So, I'm like, damn, hold on.

2 So, he sees, he sees, he sees the police. He,
3 kinda slowed down. Not too much, but he kinda slowed down,
4 a moderate pace. So, I'm, all right. Cool. Whatever. I
5 looked back. The police is still sitting there. So, I
6 didn't think nothing of it.

7 So, I asked him -- I'm like, "Yo, where you going?
8 This ain't -- where you going?"

9 He's like, "Nah, sure. I got it."

10 Q Was he still on the phone, or had he hung up by
11 now?

12 A He hung up by now. So, I'm like, "Yo, where you
13 going?"

14 He said, "Nah, sure. I got it. Just chill."

15 All right. Whatever. Like I say, he know
16 Brockton more than all of us in the car. So, I trusted his
17 judgment. All right. Cool.

18 Now, I'm starting to he -- we started hearing
19 sirens, and that. Not close, but we could hear them in, in
20 the radius like. So, I keep looking back, keep looking
21 back.

22 (Pause.)

23 A So, now, we doing -- um, we took a whole bunch of
24 lefts and rights. So, now, I figure we in the center of
25 Brockton now, right, because there's stores everywhere now.

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1 So, we're going down one street, and the street we
2 on, there is a ramp above us to the right of us, and I see a
3 cop car going the opposite way. So, I'm thinking, yeah, we
4 cool.

5 Q Going to the robbery, --

6 A Yeah.

7 Q -- or something like that?

8 A That's what I'm thinking. I didn't know the ramp
9 goes around. I didn't know that until I seen the cop car,
10 the same one behind us now. I'm hold on. I know something
11 ain't right. Hold on.

12 So, I'm like, "Yo." I'm like, "Yo, the boys is
13 behind us."

14 Q The boys are the police?

15 A I said, "The police." Yeah, "The police is behind
16 us."

17 Q The lights are on for the police?

18 A Right.

19 Q Sirens?

20 A Right.

21 Q What kind of speed is the car that you're in
22 going?

23 A I drive a lot. I know the speed was like -- we
24 probably doing like 75 now. We're probably doing, like 75.

25 Q You're moving?

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1 A Yeah. We're moving. Getting going.

2 (Pause.)

3 A So, I'm like -- I'm like, yelling, I'm, like,
4 "Slow down." I'm like, "Slow down."

5 He like, "No, gotta get them up off me. You gotta
6 get these dudes up off me. I can't. I'm not" -- you know
7 what I'm saying?

8 Q So, I mean, how long had you been in the car
9 before the police, kind of, caught up to you with the lights
10 and everything?

11 THE WITNESS: Before they start chasing us?

12 MR. MALLARD: Yeah.

13 A I'm gonna say, like, five minutes if that.

14 Q All right.

15 A I'm gonna say a little bit less 'cuz time seems to
16 go by slower. You know what I mean?

17 Q Yeah.

18 A So, I'm gonna say it's a little bit less than
19 that. I'll say, "Three minutes." I keep -- I'm gonna say,
20 "Three minutes." Yeah. I'm gonna say, like, three minutes.

21 So, anyway, um, I'm like, "Yo, you gotta slow --
22 you gotta slow down," 'cuz we on side roads, and he's doing
23 80, 80 on a side road. I'm like, "Yo, slow down before we
24 get killed in a car crash."

25 Q So, he's making turns?

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1 He's moving left and right?

2 He's turning around --

3 A He was doing turns at 60, and stuff like that.

4 I'm like, "Yo." I'm like, "Yo, just keep it cool."

5 "Nah, you all gotta get them up off me."

6 Q What did you take that to mean?

7 A We all knew what that meant. We gotta shoot at
8 the police to get them -- to slow them down.

9 Q How close were the police to you at the time he
10 said that?

11 A Ten feet.

12 Q They were close?

13 A They was close. Yeah.

14 Q They were chasing you?

15 A Yeah.

16 Q And Diovanni says, "You gotta get them up off me"?

17 A Yeah.

18 Q And did he say that to anyone in particular, or
19 just in the car, itself?

20 A To the car, itself.

21 Q To everybody?

22 A Everybody.

23 Q And you understood that to mean that you have got
24 to shoot at the police?

25 A Yeah. That's the, that's the only, that's the

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1 only -- yeah.

2 Q What did anyone say in response to that?

3 Did you Darius say anything?

4 A Yeah, Darius said, "He's not going back."

5 Q Okay.

6 A Not going back, and, when he said that -- the way
7 he said it, I'm thinking he joking, like, 'cuz I know, I
8 know Darius to be like -- after I got to know him -- I'm
9 saying it now. I'm speaking in present. I knew him to be
10 he's not that type of, that type of dude. He's, like, a
11 ball player.

12 Q He's not a hardened criminal?

13 A Yeah. I'm surprised he's in the car in the first
14 place. That's, that's the whole point. Anyway, he kept
15 saying that he's not going back, or whatever.

16 So, I, kind of, brushed him off. Like, all right.
17 Whatever, but I'm still telling him like, "Yo, slow down."

18 He's still saying the same thing, "You gotta get
19 them up off me. Back them up off me a little bit."

20 So, to my surprise, --

21 Q Where is your gun at the time he says that?

22 A It's still in my lap.

23 Q Where's Darius' gun?

24 A In his hand.

25 Q What about Stephan's gun?

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1 A To my knowledge, in his hand.

2 Q Still had it?

3 A Yeah.

4 Q Okay.

5 A Everybody, everybody still had their guns. Yeah,
6 everybody -- yeah, everybody --

7 Q Now, when you got your gun, did you know whether
8 it was loaded or not?

9 A Nah.

10 Q Did you know whether anyone else's guns were
11 loaded?

12 (Pause.)

13 A From my experience, Diovanni won't give nobody no
14 empty gun.

15 Q Okay. At some point, you learn that your gun was
16 loaded?

17 A Yeah.

18 Q This was during some point in the car ride?

19 You checked it?

20 (Pause.)

21 A I never checked it. I never checked my gun
22 personally. No.

23 Q But you knew it was loaded?

24 A But I knew it was loaded.

25 Q Okay. So, Darius says, "I'm not going back."

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1 Diovanni keeps saying, "Get them up off me."

2 What happened next?

3 (Pause.)

4 A Darius, um -- like, he said some -- like, he
5 pulled the window down. At the wedge of the window, sit it
6 on top of it, he started shooting at the police. He start
7 shooting. He start shooting.

8 Diovanni is egging him on; like, "Yeah, D," like
9 egging him on. Like, okay.

10 Q Darius fires his gun?

11 A Yeah.

12 Q At the police officers behind him?

13 A Yeah.

14 Q And Diovanni driving the car says, "Yeah, D.
15 Yeah, D"?

16 A Yeah.

17 Q What happens next?

18 A That, kind of, gave Stephan some courage. Like,
19 that, kind of, gave him some courage, like, to start firing
20 his, his weapon, and stuff like that.

21 Q Did you see Stephan fire his gun, too?

22 A Yeah.

23 Q He was in the front passenger seat?

24 A Yeah.

25 Q Did he fire a gun at the same time Darius fired

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1 his gun?

2 What was the, kind of, timing?

3 Who fired first?

4 A Well, the one he -- yeah, Darius, Darius fired
5 first. So, yeah, everything lit up. Stephan fired at the
6 same time.

7 MR. MALLARD: Okay. We'll get to that in a
8 second.

9 THE WITNESS: Yeah.

10 BY MR. MALLARD:

11 Q Both these individuals shoot at the police?

12 A Yeah. Right.

13 Q Did you know what kind of gun Stephan had?

14 THE WITNESS: At that time still?

15 MR. MALLARD: Right.

16 A I still didn't know. It was dark out. I'm really
17 surprised that Darius shoot. I'm not -- I'm watching
18 around, but I'm watching him now, like, I'm still surprised
19 that Darius was doing it. You know what I'm saying? So,
20 Diovanni is still egging him on, talking him on trying to
21 slow them down a little bit. So, we driving -- now, we
22 still, we still doing the same 80, 70, back and forth.

23 So, long story short --

24 Q Well, how many shots do you think got fired
25 roughly?

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1 THE WITNESS: From who? From whose -- altogether?

2 MR. MALLARD: Yeah.

3 (Pause.)

4 A I'm gonna say, I'm gonna say, Darius -- I'm gonna
5 say that Darius let off, like, five rounds at least, and
6 Stephan, I'm gonna say, probably one, maybe two.

7 Q What were you doing when the gun was firing?

8 A I was watching Darius.

9 Q Did you fire your gun at all?

10 A No.

11 Q Did you lean out the window attempting to?

12 A No.

13 Q You stayed in the car the whole time?

14 A Yeah.

15 Q You never fired your gun?

16 A Correct.

17 Q Okay. What happened next?

18 A So, we going down one street now. They back up on
19 us. The police are back up on us. Some dude -- some random
20 dude come out the house, some house, and threw a log in
21 front of the car, or something like --

22 Q Something got thrown at the vehicle?

23 A Yeah. Something got thrown at the vehicle.

24 Q What happened next with the vehicle?

25 A The tire blew out.

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1 Q At this time when you were driving, was Diovanni
2 -- was he driving aimlessly?

3 Was he checking his map, or his phone?

4 What's he doing in terms of directing the vehicle?

5 A No. No, he knew where he was going. Like, he
6 knew where he was going. He knew where he was going.
7 Aimlessly would be driving in circles. Like, --

8 Q So, he knew where he was going. Someone threw
9 something at the car.

10 What happened to the car?

11 (Pause.)

12 A Car gave up.

13 Q The car gave up.

14 So, what happened?

15 A So, we all --

16 (Pause.)

17 MR. MALLARD: Let's go step-by-step.

18 BY MR. MALLARD:

19 Q It gave up.

20 Does that mean you stopped the car?

21 A Yeah. The car stopped. Well, he stopped the car
22 actually.

23 Q Okay, and, then, did you guys stay in the car, or
24 did you get out of the car?

25 A Out of the car.

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1 Q You all got out of the car?

2 A Right.

3 Q Which way did you go?

4 A I'm not too familiar with the streets in Brockton,
5 but --

6 Q Just generally. The car is facing one way down
7 the street.

8 Right?

9 Did you go down the street that the car was
10 facing, or some other --

11 A I took a right.

12 Q So, there was a street that went to the right near
13 the car?

14 A Right.

15 Q And you went down there?

16 A Right.

17 Q Which way did Darius, seated to your right, go?

18 A Darius went the sam -- the same way I went.

19 Q Down that little street to the right?

20 A Down the street to the right.

21 Q What about Stephan Stewart in the front passenger
22 seat?

23 Which way did he go?

24 A Stephan went straight ahead.

25 Q So, straight on the street that the car was on?

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1 A Yeah. He, he went straight. Diovanni went the
2 same way I went. To the right.

3 Q All right.

4 A So, I get out first.

5 Q Did you bring your gun when you got out of the
6 car?

7 A No, I left it inside the car.

8 Q Okay. What about everybody else?

9 Did they take their guns?

10 (Pause.)

11 A It was, kind of, in the spear of the moment. So,
12 I didn't really get to check to see if anybody brought their
13 guns with them or not.

14 Q Did you bring any of the phones with you?

15 A Um, --.

16 (Pause.)

17 MR. MALLARD: If you don't recall, you don't
18 recall.

19 A No, I don't.

20 Q Okay.

21 A No, I didn't bring no phones with me. No, I
22 didn't.

23 Q Didn't bring any phones?

24 A No.

25 Q So, you go down the street?

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1 THE WITNESS: Only had one phone by the way.

2 (Pause.)

3 BY MR. MALLARD:

4 Q What kind of shoes were you wearing at the time?

5 A I had my white Air Forces.

6 Q White, white Air Forces?

7 A Nikes.

8 Q White Nikes on?

9 A Yeah. Yeah.

10 Q What happened when you got out of the car, and
11 started running down the street?

12 (Pause.)

13 A Well, he stepped on my shoes. So, I ran out my
14 shoes.

15 Q Diovanni stepped on your shoes, --

16 A Yeah.

17 Q -- you ran out --

18 A I looked back --

19 Q -- of your shoes.

20 A I just bought them that day; so, I didn't lace
21 them up. He stepped on them. I had ran out my shoes. I'm
22 like, damn. Like, fuck. I didn't care anyway.

23 Q What happened next?

24 A So, we get to the gate. Well, I get to the gate
25 first, hop, hop the fence. Diovanni is literally, like, one

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1 second right after me, but, then, he fell on top of me.

2 Q He hopped the fence, too, and fell on top of you?

3 A Yeah. He, kind of, like, --

4 Q Is he a big dude, small dude?

5 What size are we talking about here?

6 A Well, he, he's not big, like -- he ain't small
7 either. You know what I'm saying?

8 Q Okay. So, he falls on top of you?

9 A Yeah, and that, kind of, winded me a little bit.

10 Q What happened next?

11 A So, we get up, and we still, we still running.

12 So, we make it, we make it to like -- um, not at Main

13 Street, but we make it to like another street or whatever,

14 and -- so, either, either crossed the road, crossed the

15 street there is another, there is another fence.

16 Q Okay.

17 A Or you could stay back, and stay on the same road.

18 Q What did you do?

19 A So, I chose to stay back 'cuz I was already
20 winded. I was winded too much.

21 Q And you had no shoes?

22 A I had no shoes, and he fell on top of me. That
23 winded me all the way.

24 Q What did Darius and Diovanni do?

25 A To my knowledge, --

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1 Q Well, I'll ask it this way, did they stay with
2 you?

3 A No.

4 Q They kept on going?

5 A Yeah.

6 Q Okay. At some point, what happened with the
7 police when you stayed where you were?

8 Did you run into some police officers?

9 A Yeah, I run into some police officers.

10 Q What happened?

11 A Um, I got caught.

12 Q They arrested you?

13 A Yeah.

14 Q And there was -- was there anything found near you
15 when you got arrested?

16 (Pause.)

17 A Some, some bullets. Yeah.

18 Q A couple of bullets?

19 A Yeah. Right.

20 Q At some point, did you hear some other activity
21 nearby?

22 A Yeah. I heard someone get arrested.

23 Q You heard someone get arrested?

24 A Yeah, I didn't know who it was. Yeah. I heard
25 somebody get arrested.

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1 Q Now, those bullets that you talked about that were
2 found on you when you got arrested, --

3 A Right.

4 Q -- were those your bullets?

5 A Um, yeah.

6 Q At some point, you got brought back to the
7 station?

8 A Right.

9 Q After you were arrested, did you see Darius and
10 Stephan back at the station?

11 A Correct.

12 Q Did you see Diovanni?

13 A No. No.

14 Q When you were back at the station, did you get put
15 into, sort of, a holding cell near Darius and Stephan?

16 A Yeah.

17 Q Did you guys have a conversation when you were in
18 the back there?

19 A Right.

20 Q You did?

21 A Yeah.

22 Q What did you guys talk about?

23 A The incident that happened. Um, Diovanni. How
24 Diovanni got away. Um, --

25 Q Did you talk about the shooting at all?

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1 A Yeah.

2 Q What happened?

3 A The incident. Um, --

4 Q What about the shooting?

5 A Oh, yeah, Stephan shot -- I found out Stephan was
6 shooting 'cuz he had a shot Darius in the shoulder with the
7 gun, but, then, I overheard him say -- he was like, "No,
8 don't worry about it. It's only a .22. It's only a .22."

9 Q Who said that?

10 A Um, Stephan.

11 Q Stephan said, "Don't worry about it. It's only a
12 .22"?

13 A Yeah. It was only a .22.

14 Q And he said Stephan shot Darius?

15 A Yeah.

16 Q Who said --

17 A I, I asked him. I said, um -- well, I'm lying.
18 Darius yelled it out. "Yo, you know you shot me.
19 Right?"

20 Q To Stephan?

21 A Yeah.

22 Q He said -- Darius said to Stephan, "Yo, you know
23 you shot me. Right?"

24 A Yeah.

25 Q And Stephan said the shots a .22?

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1 A Yeah. "Don't worry about it. It's only a .22."

2 MR. MALLARD: All right.

3 (Pause.)

4 BY MR. MALLARD:

5 Q At some point, during the course of that evening,
6 were you shown a series of photographs about who, in fact,
7 was the driver of the vehicle?

8 A Yeah. Correct.

9 Q Did you identified Diovanni Carter in the photo
10 array?

11 A Yeah.

12 Q And just to be clear, at some point during the
13 course of the interview, you weren't entirely candid about
14 your knowledge of the other individuals you were with that
15 night.

16 Is that fair to say?

17 THE WITNESS: Sorry?

18 BY MR. MALLARD:

19 Q You didn't particularly describe how familiar you
20 were with Diovanni that night --

21 A No.

22 Q -- when you spoke to the police?

23 A No.

24 Q But you, in fact, know him very well?

25 A Correct.

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1 (Pause.)

2 MR. MALLARD: Hold on one second.

3 (Pause.)

4 MR. MALLARD: I'm going to excuse you for a
5 second, sir, and I'll have you wait outside, okay, for just
6 one moment.

7 (At 1:54 p.m., witness temporarily excused.)

8 (At 1:59 p.m., witness resumes the stand.)

9 MR. MALLARD: You can sit back down.

10 Just a couple of more questions for you, sir.

11 I'll remind you that you're still under oath.

12 Now, I'm going to ask you about what you saw when
13 you first came into the store.

14 BY MR. MALLARD:

15 Q Did you observe anybody striking the clerk?

16 (Pause.)

17 A I didn't see that, personally, no.

18 Q Okay, and we talked a little bit about the bullets
19 that were found on you when you were arrested?

20 A Yeah.

21 Q Did Diovanni Carter give you those bullets?

22 A No.

23 Q Where did those bullets come from?

24 (Pause.)

25 A Um, a friend of a friend.

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1 Q So, someone else gave you the bullets before that
2 evening?

3 A Yeah.

4 Q And you just had them on your person?

5 A Yeah.

6 Q Did you know you had them?

7 (Pause.)

8 A I did. I forgot, but I knew I had them on me.

9 Yeah.

10 Q And we talked a little about you didn't check the
11 gun to see if it was loaded, but did you know it was loaded?

12 A Like I said, through personal experience, like I
13 said, I know Diovanni well. He didn't tell a person to walk
14 around with an empty handgun.

15 (Pause.)

16 BY MR. MALLARD:

17 Q Have you handled firearms before?

18 (Pause.)

19 BY MR. MALLARD:

20 Q You've handled firearms --

21 A Yeah.

22 Q -- before, and you know what they weigh when they
23 have bullets, and when they --

24 A Oh, yeah.

25 Q -- don't?

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1 A Yeah.

2 Q The weight of the gun that he handed you that
3 night, was that consistent with having bullets in the
4 magazine?

5 A Oh, yeah. Yeah. Definitely.

6 MR. MALLARD: Did that answer your question,
7 ma'am?

8 A Definitely.

9 MR. MALLARD: All right. With that, sir, I think
10 we're all set.

11 THE WITNESS: Thank you.

12 (Whereupon, on March 27th, 2019, at 2:00 p.m., the
13 witness was excused.)

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CERTIFICATE OF REPORTER

This is to certify that the attached proceeding
before: A FEDERAL GRAND JURY
in the Matter of:

UNITED STATES OF AMERICA

VS.

JOHN DOE

Place: Boston, Massachusetts

Date: March 27, 2019

were held as herein appears, and that this is the original
transcript thereof.

MaryAnn Rooney

OFFICIAL REPORTER

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